

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 340**

**Introduced by Assembly Member Frommer**

February 11, 2003

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An act to add Section 830.53 to the Penal Code, relating to probation officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 340, as amended, Frommer. Probation officers: safety training and equipment.

Existing law includes probation officers among those who are considered peace officers and, except as specified, permits them to carry firearms only if authorized and under those terms and conditions specified by their employing agency. Those probation officers who may carry firearms must meet specified training standards.

This bill would in a county of the first class, except as may be specifically provided by a memorandum of understanding executed by an authorized employee bargaining unit, prohibit any probation officer, as defined, from being ~~required as a condition of his or her employment, disciplined or terminated for refusing to participate in any duty related~~ hazardous activity, as defined, unless that officer's employer provides adequate safety training and equipment, as specified. Because this bill would increase the amount of training and equipment provided to probation officers by local governments, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 830.53 is added to the Penal Code, to  
2 read:

3 830.53. (a) In a county of the first class, except as may be  
4 specifically provided by a memorandum of understanding  
5 executed by an authorized employee bargaining unit, no probation  
6 officer, as defined in Section 830.5, ~~may be required as a condition~~  
7 ~~of his or her employment, disciplined or terminated for refusing~~  
8 to participate in any duty related hazardous activity unless that  
9 officer's employer provides adequate safety training and  
10 equipment.

11 (b) "Adequate safety and training equipment" shall include,  
12 but not ~~limited~~ be limited to, the following:

13 ~~(1) Training and education about street gangs, gang-related~~  
14 ~~behavior, mental illness, and domestic violence.~~

15 ~~(2)~~

16 ~~(1) Proper training in self-defense~~ *self-defense techniques and*  
17 *use of nonlethal self-defense weapons.*

18 ~~(3) Proper training and equipping of officers in the use of mace,~~  
19 ~~pepper spray, tasers, and similar nonlethal self-defense weapons.~~

20 ~~(4)~~

21 (2) Issuance and use of a protective vest.

22 ~~(5)~~

23 (3) Issuance and *supervised* use of firearms for ~~self-defense~~  
24 ~~purposes~~ *self-defense purposes while on duty.*

25 (c) "Duty related hazardous activity" means any job related  
26 ~~activity where there is a foreseeable risk of violence or significant~~

1 ~~physical harm to the officer that may cause or result either in a life~~  
2 ~~threatening situation or substantial endangerment to the officer.~~  
3 *activity performed, or substantially similar to an activity*  
4 *performed, in an assignment to the following probation or*  
5 *multiagency suppression programs:*

6 (1) *Adult and juvenile gang units.*

7 (2) *Mobile gang unit.*

8 (3) *Transportation unit.*

9 (4) *Housing project unit.*

10 (5) *Multiagency suppression programs, including the*  
11 *following:*

12 (A) *Developing Increased Safety Through Arms Recovery*  
13 *Management (DISARM).*

14 (B) *Community Law Enforcement and Recovery (CLEAR).*

15 (C) *County Oriented Mobile Narcotic Enforcement Team*  
16 *(COMNET).*

17 (D) *Hollywood Task Force.*

18 (E) *Long Beach Task Force.*

19 (F) *Pasadena Task Force.*

20 (d) This section shall only apply to a county of the first class.

21 SEC. 2. Notwithstanding Section 17610 of the Government  
22 Code, if the Commission on State Mandates determines that this  
23 act contains costs mandated by the state, reimbursement to local  
24 agencies and school districts for those costs shall be made pursuant  
25 to Part 7 (commencing with Section 17500) of Division 4 of Title  
26 2 of the Government Code. If the statewide cost of the claim for  
27 reimbursement does not exceed one million dollars (\$1,000,000),  
28 reimbursement shall be made from the State Mandates Claims  
29 Fund.